

UNITED STATES OF AMERICA

US DISTRICT COURT

CONCORD NH

UNITED STATES OF AMERICA

v

JOHNATHON IRISH

13-CR-00142-PB-1

MOTION TO NOTIFY THE COURT

and

**MOTION FOR HEARING ON DISCOVERY/DISMISAL
MOTION FOR CHANGE OF EVALUATION LOCATION**

Now comes Johnathon Irish , by and through his Power of Attorney, Nancy M Haskell, with a **MOTION TO NOTIFY THE COURT, MOTION FOR HEARING ON DISCOVERY/DISMISAL** and **MOTION FOR CHANGE OF EVALUATION LOCATION** and says that;

1. On July 30, 2014 a hearing was held in this case with regards to STATUS of COUNSEL. There was lengthy discussion regarding issues that I was having with my Attorney Larry Vogleman
2. There was also discussion regarding the Competency Evaluation that Attorney Larry Vogleman, my current attorney requested. I expressed concern regarding the BOP doing the evaluation at the time of that hearing.
3. During the discussion regarding the competency evaluation the Honorable Judge Barbadoro used the word "passionate" about the Nexus and Origin of the above mentioned docket number and the preceding investigation and that he wanted to verify the defendants competence for trial.
4. The defendant, Johnathon Irish, was told by the US Marshalls and by Attorney Vogleman that the evaluation would be done at Devens MA medical facility.
5. On Friday, August 1, 2014 at approximately 5:30 as the defendant was transported by the US Marshalls from Strafford County Jail, Dover NH to Devens Medical Facility where the evaluation was expected to be done. From Devens the defendant, Johnathon Irish, was taken to Rhode Island from Rhode Island the defendant, was transported to Brooklyn NY MDC where the defendant currently sits awaiting to be transported to Manhattan NY MCC for the Competency Evaluation. It is clear that the BOP had deceived the defendant and this honorable court with regards to where the evaluation would be done.
6. The Correctional officers at Brooklyn MDC informed the defendant that there is a 2-3 month waiting list for a psych evaluation to be completed at any federal medical facility, although they said they would be transporting the defendant to yet another facility in Manhattan New York.
7. This Honorable Court, Judge Barbadoro ordered that the evaluation be completed within 20 day's but no more than 30 day's. Therefore, it is impossible for the B.O.P. To complete an evaluation in the ordered time frame.

8. This has seriously played a role in the defendants Post Traumatic Stress Disorder, and Anti-Personality Disorder which is a result of his P.T.S.D. The defendant's regular doctors have continuously said that due to his inability to take medication that he is to remain in a small environment and that talking to his wife and having his therapy dog Daisy Mai (which is a medical necessity) are his only ways to manage and cope with his P.T.S.D., now almost all of those have been stripped from him due to being forced into a LARGE and LOUD environment on a constant basis and the denial of his therapy assistance dog Daisy Mai.
9. As well as the defendants concern's for his Fiance/Wife's (Stephanie Taylor) Post traumatic Stress Disorder, preexisting stress induced seizure disorder and anorexia that began to have serious effects as of Saturday evening, early Sunday due to sleep deprivation and lack of eating, between her mother and the defendant's mother they almost had her admitted to the hospital due to her becoming very ill and losing 8 pounds over this weekend situation. Her condition has been managed with her Doctor and medication which all were not working due to the severity of her stress of this situation of being forced to go over 72 hours not knowing where her loving Husband and father of her child was or where he was going after being told by the Devens facility in MA and the Wyatt detention center in RI that the defendant was not located there. Although thankfully she finally received a call from him on Monday (August 4, 2014) late morning.
10. To this point the defendant has had visitation with his wife letters and telephone calls. Now he does have an ability to email. ALTHOUGH his 3 year old daughter can not email and due to being relocated to New York this makes visitation with his wife very difficult and almost impossible. Telephone calls with his wife have now almost been eliminated as The B.O.P. only allows 300 minutes a month for telephone calls no more than that. As well as they are not allowing telephone calls to his attorney and not to mention that his attorney is refusing to call him.
11. The defendant's wife and mother were attempting to contact the defendant's attorney Lawrence Vogelman about the defendants location over the weekend and Attorney Vogelman had no information and claimed he had no way to locate his client until he chose to make contact and that his client may not be able to make contact for over a week as he could be transported anywhere in the country.
12. The defendants wife had to make contact with Attorney Vogelman on Monday morning after finally hearing from the defendant whom asked her to please request his attorney contact him. The defendant's wife then called Attorney Vogelman to a. inform him that his client could not make contact with him threw that facility's phone system b. and to request that Attorney Vogelman make contact with the defendant/his client. Attorney Vogelman refused to call long distance to his client as well as declined to drive that far to visit him as requested by his client.
11. This ENTIRE situation, from the investigation, my incarceration, the prosecution and now this evaluation and what is to follow is having SERIOUS negative effects on not only myself but more importantly my family and there pre-existing medical conditions, medical conditions Sir which are the negative result of the ILLEGAL actions in which were taken against us and our daughter in 2010 in which we were proven to be the victims of and in which this Federal Matter before you is the malicious and retaliatory result of.

12. Additionally, this is nothing more than Malicious Prosecution of Retaliation through and by the above mentioned docket which originated from my daughter 2010 case in Family court Case in which the Government Nexus and Orgin/Initiation.
13. Sir, as a Husband, Father, Son, and Grandson, Man and Citizen on this proud Country of ours the defendant BEGS OF YOU to PLEASE help him and his family your Honor, PLEASE allow the defendant the chance in a hearing upon his return to the District to show you these documents in which the Government has themselves placed in there own discovery, admitting and conceding not only the Nexus but more importantly the ORIGIN of this case being the 2010 case (which was proven to be illegal action taken against the defendant and his family are the victims of), as well as Sir the other numerous documents and evidence of the malicious actions taken by the Government, F.B.I. Special Agent Phillip Christiana (who was involved in the 2010 case) as well as other participants through the processes of investigation and prosecution and the defendant swears on everything that is holy to him, that he give's you my word which is ALL that a man truly has that you will see and understand that this is all nothing more than retaliation and Sir, the defendant does truly believe that if you allow him this opportunity that you will understand why and how a Dismissal IS appropriate in this matter, Please Sir, the defendant prays to you in the Interest Of Justice!!!

Therefore, the defendant respectfully requests that:

1. Order that if the B.O.P. Is unable to complete the evaluation by August 30th that the defendant be returned to this courts district and order that the evaluation be completed by a New Hampshire evaluator at the B.O.P.'s expense.
2. This Honorable Court schedule a hearing upon his return to a facility in this courts district, on or before September 1st 2014.
3. That this Honorable understand that the stress of this confusing transport may have a negative outcome in the results of the competency evaluation.
4. That the Honorable Judge allows the defendant to provide him with some copies of the documents retrieved from the Governments discovery, to view in regards to the above mentioned docket number to prove his claims.
5. Any other relief that this court deems just and fair.

Respectfully submitted;

Nancy M Haskell POA

Johnathon S Irish/ Nancy M Haskell Power of Attorney
Defendant

CERTIFICATE OF SERVICE

I, hereby certify that this day, August 7, 2014, that a copy of this motion has been forwarded to the U.S, Federal Prosecutor Nick Abramson, AUSA, 53 Pleasant St. Concord, NH 03301, (603)225-1552

Concord, NH 03301

Johnathon S Irish/ Nancy M. Haskell P.O.A.

Nancy M Haskell P O A